

FILED

DEC 15 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TIO DINERO SESSOMS,

Petitioner - Appellant,

v.

D. L. RUNNELS,

Respondent - Appellee.

No. 08-17790

D.C. No. 2:05-cv-01221-JAM-GGH

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.